

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
WAYNE CHIN,

MAY 07 2020
-----x

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

-CV-

CO. P.T. SQUIRE, Et. AL.

Defendant(s).

20-cv-3711

-----x
STATE OF NEW YORK)
) .SS:
COUNTY OF WESTCHESTER))

I, WAYNE CHIN, being duly sworn, deposes and says;

1. I am the above-named Plaintiff, and have cause to serve a original copy of my civil action in the United States District Court, Southern District of New York,

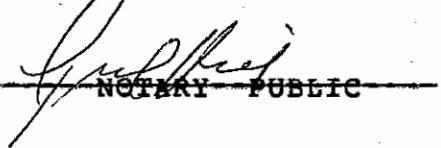
U.S. Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

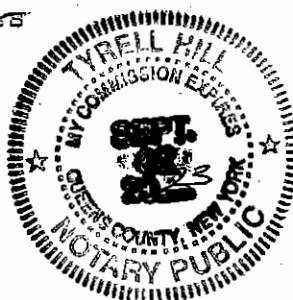
By placing the same in a pre-paid envelope and delivering it to the custody and care of the authority here at Sing Sing Correctional Facility, 354 Hunter Street, Ossining, New York 10562-5442, on the 4 day of May 2020, as due and sufficient service.


WAYNE CHIN: Pro-se
Din: 09-A-6287

Sworn to before me on this

4 day of May 2020


NOTARY PUBLIC



JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

WAYNE CHIN

(b) County of Residence of First Listed Plaintiff **Westchester**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se

DEFENDANTS

CO. P.T. SQUIRE

County of Residence of First Listed Defendant **Dutchess**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability		<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> PERSONAL PROPERTY		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
	<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 893 Environmental Matters	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 730 Family and Medical Leave Act	<input type="checkbox"/> 895 Freedom of Information Act	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 790 Other Labor Litigation		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 896 Arbitration	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 800 Other Civil Rights	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 810 Mandamus & Other	<input type="checkbox"/> 950 Constitutionality of State Statutes	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 815 Civil Rights		
		<input type="checkbox"/> 820 Prison Condition		
		<input type="checkbox"/> 830 Civil Detainee - Conditions of Confinement		
		<input type="checkbox"/> 840 Naturalization Application		
		<input type="checkbox"/> 845 Other Immigration Actions		
			<input type="checkbox"/> FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
			<input type="checkbox"/> IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1981, 1983, 1985, 18 U.S.C. 242

Brief description of cause:

VI. CAUSE OF ACTION
VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$5,000,000.00 CHECK YES only if demanded in complaint: \$5,000,000.00 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
WAYNE CHIN,

Plaintiff,

COMPLAINT UNDER THE CIVIL
RIGHT ACT, 42 U.S.C. §§
1983, 1985 & 18 U.S.C. §
242

-against-

CO. P.T. SQUIRE,
CO. P. LANGDON,
CO. K.W. KRASNOW,
CO. J.Y. BENFORD,
CO. A ESCALERA,
SERGEANT JOHN DOE,
SERGEANT ECKERSON,
NURSE JANE DOE,

----- -CV- -----

JURY TRIAL DEMAND

Defendant(s)

In their individual and
official capacity.

VENUE

Venue is invoked in this United States District Court, Southern District of New York, has the defendants' unconstitutional conduct which gave cause of action, occurred in Green Haven Correctional Facility, 594 Route 216, Stormville, New York 12582, which is located in this Court's geographical jurisdiction.

JURISDICTION

This is a civil action seeking relief and damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. §§ 1983, 1985, & 18 U.S.C. § 242 (Criminal Complaint) for civil rights violations under the color of state law. This Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1333(3), and (4), and 2201.

PARTIES TO THIS ACTION

Plaintiff, WAYNE CHIN, 09-A-6287, is an inmate presently incarcerated at Sing Sing Correctional Facility, 354 Hunter Street, Ossining, New York 10562-5442. At the time of the unlawful assault, battery, excessive uses of force undertaken by Correction Officer, P.T. Squire which provided cause for the action herein alleged, Plaintiff was incarcerated at Green Haven Correctional Facility.

Defendant, P.T. SQUIRE, is a Correctional Officer employed by the New York State Department of Correction and Community Supervision (hereinafter "DOCCS"), and at all time for the cause of action, worked at Green Haven Correctional Facility, who while acting under the color of State law, unlawfully and intentionally assaulted the plaintiff and thereafter, took retaliatory actions to punished and inhibited Plaintiff from exercising his constitutional right for redress by grievance process.

Defendant, P. LANGDON, is a Correctional Officer, employed by "DOCCS", and at all time for the cause of action, worked at Green Haven Correctional Facility, and who while acting under the color of State law, stood and observed Officer Squire's felonious assault upon plaintiff and failed to protect the plaintiff from substantial serious harm and injuries.

Defendant, K.W. KRASNOW, is a Correctional Officer employed by "DOCCS", and at all time for the cause of action, worked at Green Haven Correctional Facility, and who while acting under the color of State law, engaged in retaliatory actions against the plaintiff.

Defendant, J.Y. BENFORD, is a Correctional Officer employed by "DOCCS", and at all time for the cause of action, worked at Green Haven Correctional Facility, and who while acting under the color of State law, engaged in retaliatory actions against the plaintiff.

Defendant, A. ESCALERA, is a Correctional Officer employed by "DOCCS", and at all time for the cause of action, worked at the Green Haven Correctional Facility, and who while acting under the color of State law, engaged in retaliatory actions against the plaintiff.

Defendant, SERGEANT JOHN DOE, is a Correctional Officer employed by "DOCCS", and at all time for the cause of action, worked at Green Haven Correctional Facility, and who while acting under the color of State law, engaged in intimidation by threat to inhibit plaintiff from exercising his constitutional rights.

Defendant, SERGEANT ECKERSON, is employed by "DOCCS", and at all time for the cause of action, worked at Green Haven Correctional Facility, and who while acting under the color of State law, engineered a concerted cover-up of Officer Squire's felonious assault of the plaintiff in order to facilitated the officers' continuous retaliation against plaintiff.

Defendant, JANE DOE, is a health care provider employed by "DOCCS", and at all times for the cause of action, worked at Green Haven Correctional Facility, and who while action under the color of State law, refused to evaluate and administered adequate medical care.

PREVIOUS LAWSUIT

1. No other lawsuit in state or federal court dealing with the same facts in this action.

2. The plaintiff filed two other lawsuit in federal court related to his imprisonment.

3. In 2005, the plaintiff filed his first federal lawsuit in the United states District Court, Southern District of New York, captioned Chin v. Burnstein, 15-CV-7860 (VB). Plaintiff alleged a deliberate indifference to his medical needs in violation of the Eighth Amendment. United States District Judge, Vincent L. Briccetti, granted summary judgment in favor of the defendants on March 28, 2017. (2017 WL 1169670).

4. On May 6, 2019, Plaintiff filed a writ of habeas corpus (28 U.S.C. § 2254), petition in the United States District Court, Eastern District of New York. The petition was assigned to United States District Court Judge, Roslynn R. Mauskopf. The caption read, Chin v. Noeth, 19-CV-02729 (RRM), and is still pending a resolution

5. Plaintiff was granted poor person status in both previous actions filed in the United States District Courts.

STATE OF CLAIM

A. FIRST CLAIM: On May 9, 2017, at approximately 4:25 p.m., Plaintiff had a physical altercation with Inmate Masi (14-A-3725) in E-Block, two company. An alarm was sound for responding officers. Correctional Officer Squire, who sound the alarm, run down 2 company, and was immediately followed by Correctional Officer Langdon. Officer Squire ordered both

plaintiff and Masi to lay on the floor, face down, with hands behind our back. Plaintiff was restrained in handcuffs by Officer Squire and without any provocation, Officer Squire maliciously and viciously struck plaintiff on the left thigh with a baton, with all intent to break plaintiff's leg. Thereafter, Officer Squire's physically lifted plaintiff into a sitting position and unlawfully assualted plaintiff. With a capable state of mind to cause serious and permanent physical bodily injury, Officer Squire viciously rammed his knee in the right side of plaintiff's upper back, then, viciously kicked plaintiff in the spine (lower back), causing immediate shock waves through plaintiff's body and serious injury to plaintiff's vertebra. Officer Squire, then lift plaintiff in standing position, and slammed plaintiff's head first in the well between cells E2-228, and E2-229. Then, swung around and rammed plaintiff's head first in bars of the passageway of two company, causing serious bodily injuries to plaintiff's upper lip, nose, and a resulting broken tooth. (See, head photographs, Exhibit 1 annexed hereto).

Officer Squire's felonious assault, battery, and excessive uses of force, was undertaken to cause plaintiff irreparable bodily injuries and was observed by several inmates that were outside their respective cell for the evening meal. Plaintiff reported Officer Squire's unlawful assault to Sergeant John Doe, who responded; "Complaining against my officer is dangerous for your health." Plaintiff immediately recognized Sergeant John Doe's intimidating statement, as a threat of retaliation to inhibited plaintiff from protesting the unlawful assault. Thus,

plaintiff retracted reporting Officer Squire's conduct in fear of immediate retaliation. (See Grievance # GH-86539; Exhibit 2, annexed hereto).

The constitutional basis for this claim under 42 U.S.C. §§ 1981, (violation of the Equal Protection Clause), 1983, and 1985 are; First and Eighth Amendment violations. Officer Squire written infraction dated May 9, 2009, which alleged that no use of force was employed, constituted a false statement actionable under 18 U.S.C. § 242.

B. Second Claim: On May 9, 2017, Officer Langdon, stood silent and watch as Officer Squire's committed his felonious assault upon plaintiff and failed to protect plaintiff from substantial serious bodily harm and injury. Officer Langdon failure to act in accordance with his duty to protect plaintiff from harm, constituted a deliberate indifference to care and safety of an inmate.

The constitutional basis for this claim under 42 U.S.C. §§ 1983 & 1985 is; Eighth Amendment (Deliberate Indifference to Safety and Failure to Protect). Officer Langdon's endorsement of Officer Squire's infraction, alleging no uses of force was employed, constituted a false statement actionable under 18 U.S.C. § 242.

C. Third Claim: Due to the excruciating pain plaintiff suffered from the injuries inflicted by Officer Squire's assault. From May 11 Through 18, 2017, Plaintiff sought medical attention by way of the emergency sick-call process of submitting sick-call slips. Officer Krasnow and Officer Benford, individually and

collectively at behest of Officer Squire, took retaliatory actions to denied the plaintiff access to adequate medical care. On the days in question, defendants Krasnow and Benford would prevented the plaintiff from leaving his assigned cell to obtained medical treatment for his pains and sufferings. Occasionally, Officer krasnow and Bedford would refused to collect the sick call slips from plaintiff, and/or totally discarding them to the garbage bin. (See, Grievance # GH-86579-17 & GH- 86655-17; Exhibit 3 annexed hereto).

The temporal proximity between the protected speech (right to grievance process) and the retaliatory actions was evidenced by Officer Benford's false accusatory infraction dated July 2, 2017, which charged plaintiff for violation prison disciplinary rules 104.13 and 106.10. (See, Exhibit 4, annexed hereto).

The constitutional basis for this claim under 42 U.S.C. §§ 1981 (violation of the Equal Protection Clause under the Fourteenth Amendment), 1983 and 1985 (First and Eighth Amendments violations). Officer Benford's written infraction dated July 2, 2017, constituted a false statement actionable under 18 U.S.C. § 242.

D. Fourth Count: On September 21, 2017, at approximately 5:10 p.m., a group of seventy-four (74) inmates were returning from the evening meal in the E-Block corridor when a disturbance between Officer Escalera and an inmate (allegedly Young) escalated at the back the line of inmates. E-Block corridor is roughly fifty (50) feet in approximation. Plaintiff was in the front of the group, tenth position, when he heard someone stated,

"do not move," and immediately thereafter, another voice stated, "take it to E-Block. Plaintiff proceeded toward E-Block entrance, while the majority of other inmates stood their grounds, refusing to move. An alarm was sounded, and responding officer called to the location. Inmates were instructed to faced the wall with their hands placed firmly against it. Inmate, Young, was forcefully removed and taken to solitary confinement. However, while plaintiff was still detained in the corridor at the entrance of E-Block, Officer Squire, who plaintiff had passed earlier on the way to the evening meal, came down to plaintiff's location and specifically single out plaintiff as the agitator of the demonstration and instructed Officer Krasnow to file false disciplinary charges against plaintiff.

At the behest of CO Squire, Officer Krasnow filed a false accusatory infraction, charging plaintiff with violating prison disciplinary rules 104.12 (demonstration), 104.13 (creating a disturbance), 106.10 (refusing direct order), and 109.12 (movement regulation violation). The false accusatory infraction was endorsed by Officer Escalera.

In a bias disciplinary hearing conducted by Disciplinary Hearing Officer Gutwein, plaintiff was found guilty of the false accusation and given ninety days cell confinement, loss of packages, loss of commissary, loss of phone privileges, and three months of good time credit. The retaliatory actions of the defendants were an effort to deter plaintiff from seeking redress in the courts for Officer Squire's unlawful assault. Plaintiff appeal the disciplinary hearing determination and an Article 78

proceeding was commenced in state court which was transferred to the Appellate Division, third Department. However, Plaintiff abandoned the appeal in lieu of the instant action.

The constitutional basis for this claim under 42 U.S.C. §§ 1981 (violation of the Equal Protection Clause under the Fourteenth Amendment), 1983, and 1985 (First and Eighth Amendment). Officer Krasnow's written infraction dated September 21, 2017, which was endorsed by Officer Escalera, constituted a false statement actionable under 18 U.S.C. § 242.

E. Fifth Count: Sergeant Eckerson could have protected plaintiff by ordering the correctional officers to cease and desist from their retaliation. However, he engineered a concerted cover-up of Officer Squire's unlawful assault and allowed the officers' retaliation to continue as a means to silent plaintiff from exercising his protected rights to protest.

For example, On the day of the assault, Sergeant Eckerson knew that twenty or more inmates were out of their respective cells, and witness Officer Squire assaulting plaintiff. Nonetheless, Sergeant Eckerson's interviewed only three inmates who themselves, was in fear of retaliation and failed to tape record the witnesses' statements and/or asked them for a written statement.

The constitutional basis for this claim under 42 U.S.C. §§ 1983, and 1985 (First Amendment).

F. Sixth Count: The first initial nurse that plaintiff reported Officer Squire's unlawful assault and the injuries suffered, refused to documented plaintiff's injuries

as an assault by officer, thus, minimizing the attending circumstances to a physical altercation (fight). Although the swelling of plaintiff leg and back was not visible to the naked eyes on May 9, 2017, the injuries to plaintiff's busted lip, nose and broken teeth was apparent. The nurse provided no immediate medical treatment for plaintiff's injuries nor scheduled an emergency appointment to be seen by a dentist. Plaintiff suffered excruciating back, face and leg pain for ten days before been seen by another nurse on May 19, 2017, emergency sick-call when an X-ray was scheduled. (See, Exhibit 5 annexed hereto).

The initial nurse's refusal to properly documented my numerous injuries and provided adequate medical treatment, was undertaken has retaliation against plaintiff for filing an earlier civil action against nurses and doctors of the facility, a fact known by members of health care department. (See, Chin v. Burnstein, 2017 WL 1169670).

Furthermore, The pattern of retaliation and collaboration by nurses in Green Haven Correctional Facility to minimized the severity officers' assault on inmates is not unusual because of their working relationship.

The constitutional basis for this claim under 42 U.S.C. §§ 1983 and 1985 are, (First and Eighth Amendment --[retaliation & denial of adequate medical care]).

RELIEF SOUGHT

Plaintiff seeks punitive damages in the sum of one and a half million (\$1,500,000.00) dollars for Officer Squire's

intentional, wanton and racist assault upon plaintiff. Plaintiff seeks punitive damages in the sum of one million (\$1,000,000.00) dollars for the defendants' retaliatory conducts. Plaintiff seeks punitive damages in the sum of five hundred thousand (\$500,000.00) dollars for the filing of a false instrument (intent to defraud) that the defendants knew was false. Plaintiff seeks the expungement of the false accusatory instruments from his institutional record.

COMPENSATORY DAMAGES

Plaintiff seeks compensatory damages in the sum of one, point eight million (\$1,800,000.00) dollars for the his pains, suffering and future suffering from back problems caused from Officer Patrick Squire's felonious assault. Plaintiff seeks two hundred thousand (200,000.00) dollars for the anxiety, stress and mental burden the defendants retaliatory and false accusations caused plaintiff to endured, including the unwarranted disciplinary transfer to Attica Correctional Facility and the unnecessary cost of litigations.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on May 4, 2020.

Respectfully submitted,


Wayne Chin: Pro-se
Din: 09-A-6287
Sing Sing Correctional facility
354 Hunter Street
Ossining, New York 10562-5442

Exhibit 2

Green Haven Correctional Facility

INMATE MISBEHAVIOR REPORT ♦ INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

1. NAME OF INMATE (Last, First) ♦ NOMBRE DEL RECLUSO (Apellido, Nombre)	NO. ♦ NUM	HOUSING LOCATION ♦ CELDA
Chin, Wayne	09A6287	E-226
2 LOCATION OF INCIDENT ♦ VIOLACIONES	INCIDENT DATE ♦ FECHA	INCIDENT TIME ♦ HORA
E-Block 5-Company	May 9, 2017	4:35 PM Approximately

3 RULE VIOLATION(S) ♦

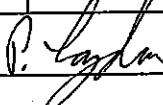
100.13 FIGHTING

104.11 VIOLENT CONDUCT

104.13 CREATING A DISTURBANCE

4. DESCRIPTION OF INCIDENT ♦

On the above date an approximate time I observed inmate Chin, 09A6287 (E-226), exchanging closed fist punches with inmate Masi, 14B3725 (E-235) striking him about the head and body while evening chow was being dropped which drew the attention of several inmates who were coming off the company. I immediately called a response to the area. Myself and Officer Langdon then went down the company directing inmates to face the bars and not to move, when we got to inmates Chin and Masi I ordered both inmates to stop fighting and to lay on their stomachs and put their hands behind their backs. Both inmates complied with all orders given, no force was used. At that time the response team had arrived, both inmates were placed in mechanical restraints and removed from the company without incident.

REPORT DATE ♦ FECHA 05/09/17	REPORTED BY ♦ NOMBRE DE LA PERSONA QUE HACE EL INFORME P. Squire	SIGNATURE ♦ FIRMA 	TITLE ♦ TITULO C.O
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay)	SIGNATURES: FIRMAS: 1 	3	

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INMATE

5/10/17 8:00

NAME AND TITLE OF SERVER

NOMBRE Y TITULO DEL QUE ENTREGA

FECHA HORA DADO AL RECLUSO

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaracion hecha por usted como respuesta al cargo informacion derivada de ella en una demanda criminal.

NOTICE ♦ AVISO

REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. ♦ Por este medio se le notifica que el informe anterior es un cargo formal el cual se considerara y determinara en una audiencia a celebrarse.

The inmate shall be permitted to call witnesses provided that so doing does not jeopardized institutional safety or correctional goals. ♦ Se le permitira al recluso llamar testigos con tal de que al hacerlo no pondra en peligro la seguridad de la institucion o los objetivos del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make a statement on the need for continued prehearing confinement. ♦ Si esta restringido pendiente a una audiencia por este informe de mal comportamiento, puede escribirle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaracion acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

GH 86539-17

Wayne Chin
Din. 09-A-6287
Green Haven Correctional Facility
594 Route 216
Stormville, New York 12582-0010
Unit E2-226-S

May 15, 2017

INMATE'S GRIEVANCE

Re: (RETALIATION) Physical Assualt by Staff

On May 9, 2017, at approximately 4:25 p.m., I had a physical altercation with an unstable inmate in E-Block, 2 Company. An alarm was sounded and a team of officers responded. Officer P. SQUIRE who sound the alarm, run down the 2 company and ordered both myself and inmate Masi (14-B-3725), to lay on the floor face down with hands behind our back. I was handcuffed by Officer Squire. However, without any provocation on my behalf, Officer Squire struck me on the left thigh with his baton with the intent to brake my leg. Then, Officer Squire ordered me up off the floor, physically lifted me into a sitting position and kneed and kicked me twice, once in the spine (lower back), and once on the right side (upper back). He then lified me up and slammed my head once in the wall between cell E2-228-229 and once against the bars of the passage-way on the company causing damage to my face and back for no apparent reasons than to satisfy his sadistic and racist appetite. Officer Squire's kicks to my lower and upper back was an intentional attempt to cripple me and/or cause irreparable damage to my spine.

Officer Squire's physical assault upon my person was witness by several inmates in the block. I informed the sergeant on duty that his officer had assaulted me, but realized that not what he wanted me to say, so I retracted my statement in fear of immediate retaliation.

On May 11, 12, 13, and 14, 2017, I submitted sick call slips and emergency sick call requests for medical attention and to document my injuries. However, the authorities either would not let me out the cell or collect the emergency sick call slips. I am fearful for my life that my complaints will be met with staffs' retaliation and/or setting me up for bogus charges.

ACTION REQUESTED: I request that Officer Squire be reprimanded, re-trained to properly interact with the black inmate population. I request that the staffs at this facility takes no retaliatory actions against me for utilizing the grievance process. I further request immediate and proper medical attention and care.

Sign: Chin

Dated May 16, 2017

INMATE GRIEVANCE RESOLUTION COMMITTEE
ACKNOWLEDGEMENT OF RECEIPT

TO: Chin, W. DIN: 09A0e287 LOC. E2-226
 FROM: IGRC OFFICE Incident date: _____ Action Request: _____ Signature: _____
 CODE: 49 TITLE: Alleged Assault

This notice is to inform you that your grievance has been received by this office on
5/16/17. It has been given the log number GH 86539-17 MAY 17 2017

Your log number, DIN, and cell location must be included on any inquiry made concerning your grievance.

Upon completion of an investigation into your grievance, you will be scheduled for an IGRC hearing. According to Directive #4040 if you do not appear for the hearing without a legitimate reason, the IGRC will hold a hearing in absentia.

If your grievance is numbered as part of a consolidated issue, you may or may not be called for a hearing. However, you will receive a copy of the grievance committee's decision, and you may appeal any decision in accordance with Directive #4040.

Directive #4040 701.3(a) *Inmate's Responsibility*. An inmate is encouraged to resolve his complaints through the guidance and counseling unit the program area directly affected, or other existing channels (informal or formal) prior to submitting a grievance. Although a facility may not impose pre-conditions for submission of a grievance, the failure of an inmate to attempt to resolve a problem on his own may result in the dismissal and closing of a grievance at an IGRC hearing.

***Notice of Return: Please resubmit with correction requested.**

Please be advised that your grievance received on _____, is being returned to you via callout for one or more of the following reasons. You will be placed on a callout to meet with an IGRC Inmate Representative to make any necessary corrections.

<input type="checkbox"/> No action request, please indicate one.	<input type="checkbox"/> No incident date noted.
<input type="checkbox"/> No signature	<input type="checkbox"/> Non-grievable per Directive #4040
<input type="checkbox"/> Unable to understand handwriting.	<input type="checkbox"/> Loss/damage of property is addressed by utilizing the claim mechanism in accordance with Directive #2733.
<input type="checkbox"/> Other (as indicated below): _____ _____ _____	

IGP Supervisor Stanaway _____

IGP Supervisor Wonsang _____ 

Grievant CHIN

Number 09A6287

Cell E2-226

 Corrections and Community Supervision Inmate Grievance Program Green Haven	Grievance Number 86539-17	Date Filed 5/18/2017
	Title ALLEGED ASSAULT	Code 49
	Superintendent's Signature <i>h my</i>	Date 6-21-17

The grievant complains of an alleged assault on 5/9/17.

According to the investigation, the grievant was interviewed by Sgt. E. He stated he would like to add that his left side incisor tooth was broken in the incident and that he was seen by the dentist on either 6/8/17 or 6/9/17. He provided two witnesses who were interviewed by Sgt. E.

CO S, who was named in the complaint, provided a written statement denying the grievant's allegations of assault. He did give verbal commands to the grievant and the other inmate to stop fighting and to lie on the floor and put their hands behind their backs. Both inmates complied. CO S made no contact with the grievant or the other inmate. He did not apply mechanical restraints because he did not have any. After responding staff mechanically restrained the grievant, he immediately stood up and was escorted off of the company by responding staff. At no time did CO S assault the grievant, or make any inappropriate comments towards him.

Based on the investigation conducted, the grievant's allegations could not be substantiated.

*** Grievance is denied.

Appeal Statement

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

First and foremost, I made a civilian citizen criminal complaint against Officer Squire for physically assaulting me that should have been reported to the appropriate police department that would endeavored an independent investigation and interview ~~of~~ with all the inmates on the company to verify the charges.

Second, the entire investigation by Sgt. Eckerson was conducted

Chin Wayne
Grievant's Signature

6-22-17
Date

Grievance Clerk's Signature

Date

Grievance No. 86539-17

Appeal-- Page Two

in a bias and partial manner designed to protect and cover-up Officer Squire's unlawful, criminal assault upon me. Therefore, the so-called investigation was not conducted to afford any confidentiality with the inmates to guarantee against the offending officer's retaliation. For example, on June 15, 2017, at approximately 4:10 P.M., Sgt. Eckerson visited E-Block, 2 company, and confronted me with his question that if there were any further statements I require added to my grievance. I informed him that I verbally informed the dentist on June 8, 2017, that Officer Squire's slammed my head against the column and bars and broke my left side front teeth. Further, as per the grievance, I informed Sgt. Eckerson that the assault by Officer Squire was witness by several inmates on the company who was outside their respective cell for the evening meal. While I made no personal investigation of which inmates observed Office Squire's assault against me. I told him to check with the inmates in the entire section from cell E-227 to the end of the company and upward the front half. Sgt. Eckerson choose to question only the inmates in E-227, 228 and 225, respectively.

The inmate in cell 227, told Sgt. Eckerson that he observed the entire assault but did not know the name of the officer involved. Sgt. Eckerson did not asked the inmates if he would care to discuss the incident in confidentiality of sergeant's office and/or was he willing to make and sign a statement. However, Sgt. Eckerson left and came back to asked the inmate his name which was the only thing I saw the Sgt. wrote on his notepad.

Sgt. Eckerson asked the inmates in cell 228 if he observed Officer Squire's assault upon me. While I carefully listened, I heard the inmate told Sgt. Eckerson that he observed the entire incident but was unwilling to talk because of his fear of officers' retaliation. Sgt. Eckerson did not offered the inmate any form of confidentiality and guarantee against retaliation to obtain the inmate's written statement.

Sgt. Eckerson then confronted the inmate in cell 225, who informed Sgt. Eckerson that he was not on the company. In retrospect, had an inmate assaulted an officer on the company, every inmate would have been brought to the investigative office and afforded all confidentiality with all interviews.

On June 17, 2017, I was called to the Sergeant's office and informed by the on-duty-sergeant that inmate James Robinson, Din. 01-A-5902, LOCT. E-2-237, had filed a confidential written statement attesting that Officer Squire had assaulted me. The sergeant in question, asked me if I wanted to make any statement of which I also filed a written statement. However, Mr. Robinson's statements were never reviewed and considered in relationship to Sgt. Eckerson's so-called investigation.

Sign



Dated

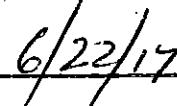


Exhibit 3

GH 86579-17

May 21, 2017

Wayne Chin
Din. 09-A-6287
Green Haven Correctional Facility
594 Route 216
Stormville, New York 12582-0010
Unit E2-226-S
Program---CAU Clerk & Com. op.--a.m., & p.m.

INMATE'S GRIEVANCE

Re: (RETALIATION) MEDICAL ATTENTION & CARE

After being physically assaulted by Officer Squire on May 9, 2017. I sought medical attention for my injuries by submitting sick-call requests on May 11, 12, 13, 14, 15, 16, 17, and 18 of 2017, without being provided with medical care. On May 19, 2017, I was finally let out of the cell to be seen by a nurse assistance at the sick-call office. I reported my various injuries and informed her that I was assaulted by an officer who struck me on the left thigh, kicked me in my spine, and upper back, and slammed my head into the column and bars, causing damages to my back and face, resulting with a bloody nose and broke a teeth. Apparently, she was quite reluctant to write a report that I was basically assaulted by staff. However, she asked if me wanted aspirin for my pains and sufferings. I informed her that I was taking Ibuprofen 600 to relieve my back pains, and she informed me that I would be referred to the clinic for x-ray later that day.

At approximately 2:50 p.m., Friday May 19, 2017, I was taken to the clinic where a nurse sarcastically asked me about my injuries, and why it took me so long to report them. Realizing that the first nurse's intentionally failed to record that I was assaulted by an officer, and encountering the second nurse sarcastic attitude. I did not see it necessary to repeat the officer's assault upon me again. However, I told her where I had existing pains and she told me that I would be referred for an x-ray on Monday.

On Sunday, May 21, 2017, I woke up with my existing back pains and an additional pains in my left back, which I presumed was either my kidney or lungs because every time I took a deep breath, I felt the pain. As the day progressed, the pain in my kidney or lungs, exacerbated. Therefore, I wrote a emergency sick-call request on a piece of paper and asked the feed-up to give it to the officer. The feed-up individual informed me that the request was given to Officer Beckford. However, I was not released from the cell to seek immediate medical attention. When I was eventually let out for recreation, I asked the A-Officer what happened to my emergency sick-call request. I was informed by the A-Officer that he just got on duty and did not have any information regarding my sick-call request.

ACTION REQUESTED: I request that the nurses do their duty accordance to policy and stop being passive about reporting officers' brutality of inmates. I also request that the officers in E-Block cease and desist retaliation against me.

Chin

Dated May 21, 2017

Wayne Chin
Din. 09-A-6287

cc: Office of Inspector General

Grievant CHIN

Number 09A6287

Cell E2-226

 Corrections and Community Supervision Inmate Grievance Program Green Haven	Grievance Number 86579-17	Date Filed 5/22/2017
	Title DENIED EMERGENCY SICK CALL	Code 23
	Superintendent's Signature <i>L. Mapp</i>	Date 7-20-17

OK

The grievant complains he was denied treatment at Emergency Sick Call.

According to the investigation, the grievant's computer records and medical chart were reviewed by the Nurse Administrator. The grievant's chart reflects he was involved in a fight on 5/9/17. He reported the same to medical at 4:45pm and complained of a bloody nose and swollen lip. He was seen again at sick call on 5/19/17. The nurse documented his complaints and referred the grievant to the clinic provider. He was seen by Dr. K who indicated x-rays were needed on Monday, 5/22/17. The computer indicated the request was entered on 5/22/17 and scheduled for 6/13/17. Green Haven currently does not employ a full time x-ray technician. At no time does the record indicate that the grievant was assaulted by staff. The initial complaint only indicated a fight.

*** Grievance is denied.

Appeal Statement

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. Please state why you are appealing this decision to (GH-86539-17)

My grievance GH-86539, fully stated the substance of Officer Squire's unlawful assault against me, and the attending circumstances (fear of immediate retaliation). The crux of the instant grievance (GH-86579-17) is/was related to your staffs' failure to provided me with the immediate and necessary medical attention which prolong my pain and suffering from my various injuries. Further, the grievance is/was directed at the nurses'

Chin. W
Grievant's Signature

July 25, 2017
Date

Grievance Clerk's Signature

Date

Grievance Appeal

GH-86579-17

Page two

reluctance to write/recorded that a member of your staff assaulted me because the nurses works closely and associate with your rank and file officers. Therefore, your response was disingenuous at best because you did not conducted any investigation with the sick-bay nurses to verified my complaint. There are no transparency within your administration toward the rights of inmates whenever it come to shielding and protecting your officers' unlawful conduct.

Chin, Wayne dated July 25, 2017

6486655-11

May 24, 2017

Wayne Chin
Din. 09-A-6287
Green Haven Corr. Fac.
594 Route 216
Stormville, New York 12582-0010
LOCT: E-Block, Cell 2-226-S
Program Assignment: CAU Clerk-A.M.; Com. Op. P.M.

INMATE'S GRIEVANCE

Re: (RETALIATION) DENIAL OF MEDICAL CARE

As a result of injuries sustained on May 9, 2017, I was scheduled for an x-ray on May 23, 2017. However, for whatever the circumstances, I was kept locked in the cell and never escorted to the clinic for the mandatory clinic call-out. Upon inquiry, I was given several evasive reasons by the A-Officer on duty why I was not allowed to go to the clinic. On May 24, 2017, I made further inquire from the A-Officer and was told that I was rescheduled for that day. When I was let out for keep-locked shower, I asked an inmate to asked the A-Officer what was the status of going to have the x-ray done. I clearly heard the A-Officer stated, "Fuck Him."

ACTION REQUESTED: I respectfully request that the Officers cease and desist their retaliatory actions against me for exercising my rights. I also request that my appointment for x-ray be immediately rescheduled.

Sign Chin

Dated 5-24-17

cc File/WC

Wayne Chin
Din. # 09-A-6287
Green Haven Corr. Fac.
594 Route 216
Stormville, New York 12582

November 9, 2017

Deputy Superintendent Of Security
Green Haven Corr. Fac.
594 Route 216
Stormville, New York 12582

Re: Request Pursuant To Directive 4932;
Subpart § 251-3.1(d)(3)

Dear Sir/Madam;

On May 9, 2017, I was physically assaulted by Officer P. Squire, in E-Block, 2 Company while restrained by handcuff. Since reporting Officer Squire's assault upon me, I have had to endured retaliation from Officer Squire in many different forms and/or fashions, some from rank and file officers whom are co-workers of Officer Squire. I have documented some incidence, and some I have not.

On September 21, 2017, there was a disturbance in E-Block corridor with an unstable inmate. There were approximately 74 inmate the in group returning from chew/mashall. When the disturbance escalated, from the infraction I received, it was alleged that all inmate refused to comply with a direct order to proceeding to E-Block. It is also alleged that after the non-compliance with the officer's order, I allegedly stated "don't move", and was specifically identified by Officer Krasnow.

Officer Krasnow so happened to be an officer who also had retaliated against me for Officer Squire in the pass while keeping me locked inside the cell from attending sick-call to seek medical attention for injuries sustained from Officer Squire's assault. Officer Krasnow has given testimony in three disciplinary hearing stating his position at the back of group of 74 inmate in E-Block corridor. I have testified in a hearing for inmate, C. Flow, and maintained in my retaliation grievance to Superintendent Griffin on September 21, 2017, the day of the disturbance, that I was not apart of the group that had refused to proceeded to E-Block and was singled-out for infraction by Officer Squire.

I have been keep-locked for approximately 50 day and only given one appearance to plead not guilty. For the last six week the hearing has stop without further ado. I have requested 64 inmates to testified on my behalf. In all fairness three of the inmates that were accused with myself has finished their hearings, two were found guilty and received sixty-days, inmate

C. Flow charges were dismissed. I on the other hand has suffered retaliations by these same rank and file officers and cannot receive fair impartial hearing conducted in a timely manner. I have been in Green Haven since 2009, and has never posed a threat to the security and orderly function of the facility, and hereby respectfully request to be release pending the resolution of my retaliation grievances and the subsequent infraction hearing.

Respectfully,



Wayne Chin
Din. # 09-A-6287

CC: FILE/Legal/WC

 Corrections and Community Supervision Inmate Grievance Program Green Haven	Grievance Number 87704-17	Date Filed 9/25/2017
	Title RETALIATION FOR PRIOR GRIEVANCE	Code 49
	Superintendent's Signature <i>H. M. S.</i>	Date 12-13-17

The grievant complains he was "singled out" during movement in the corridors 9/21/17.

According to the investigation the grievant was interviewed by Sgt. E. The grievant named inmate witnesses. The grievant had nothing further to add to his written complaint.

The inmate witnesses were interviewed by Sgt. E. The officer named in the complaint (CO S.) has submitted a written, signed statement denying the grievant's allegations.

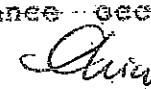
According to the investigation the grievant's allegations could not be substantiated.

*** Grievance is denied.

Appeal Statement

If you wish to refer the above decision of the Superintendent please sign below and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C.

Superintendent Griffin and his subordinates has engaged in a systematic cover-up for Officer Squire's retaliatory conduct. Two weeks ago at approximately 5:20 p.m., Sgt. Eckerson visited E-Block, 2 Company and confronted me relative to my grievance filed on September 21, 2017. Instead of conducting an independent investigation of the 74 inmates whom had been present when the disturbance occurred which form the basis of my allegations



Grievant's Signature

12/18/17

Date

Grievance Clerk's Signature

Date

Page Two----Appeal (Grievance 87704-17)

against Officer Squire. He asked me to specify a selection of inmates. I gave Sgt. Eckerson the names of the individual jointly charged with me, plus, Mr. E. Roberts (cell 213); Leroy Brown (cell location unknown); the inmate presently in cell 257 (name unknown); the inmate that was formerly in cell 212 and referred his attention to the disciplinary tape of my tier 3 hearing. Sgt. Eckerson interviewed inmate Roberts who substantiated my complain against Officer Squire. However, Sgt. Eckerson was not receptive to Mr. Roberts confirmation, neither did he requested a written statements from Mr. Roberts. Thereafter, Sgt. Eckerson made sure that each time he sought to interview the other inmates, was after they were out in the yard and/or out to their respective programs. Not once did he tried to ascertained a written statements from any of the individuals referred. Sgt. Eckerson who is Officer Squire's friend, did everything necessary to subterfuge a conclusive determination of true facts. Hence, Sgt. Eckerson's conducted a bias and incomplete investigation.

Exhibit 4

Green Haven

Correctional Facility

INMATE MISBEHAVIOR REPORT • INFORME DE MAL COMPORTAMIENTO DEL RECLUSO

1. NAME OF INMATE (Last, First) • NOMBRE DEL RECLUSO (Apellido, Nombre)	NO. • NÚM.	HOUSING LOCATION • CELDA
CHIN, WAYNE	09A6287	E-BLK 226
2. LOCATION OF INCIDENT • LUGAR DEL INCIDENTE	INCIDENT DATE • FECHA	INCIDENT TIME • HORA
	07-02-17	APPROX 8:20 AM
3. RULE VIOLATION(S) • VIOLACIONES	106.10 direct order 3 104.13 talking	

4. DESCRIPTION OF INCIDENT • DESCRIPCIÓN DEL INCIDENTE

On the above date and approximate time, I, C.O. Benford was escorting a group of inmates returning from Chow back to E-Block. Inmate Chin #09A6287 was talking in the corridor. I ordered him to stop talking. The inmate continued talking loudly. I ordered the inmate a second time to stop talking at which time inmate chin complied. Area Supervisor Notified.

REPORT DATE • FECHA	REPORTED BY • NOMBRE DE LA PERSONA QUE HACE EL INFORME	SIGNATURE • FIRMA	TITLE • TÍTULO
07			
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any) ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay)		SIGNATURES: FIRMAS: 1. D. James / D. Tragis C.O. 2. _____ 3. _____	

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INMATE _____ NAME AND TITLE OF SERVER _____
FECHA HORA DADO AL RECLUSO _____ NOMBRE Y TÍTULO DEL QUE ENTREGA _____

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. ♦ Por este medio se le informa que no se puede usar ninguna declaración hecha por usted como respuesta al cargo o la información derivada de ella en una demanda criminal.

NOTICE • AVISO

REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. ♦ Por este medio se le notifica que el informe anterior es un cargo formal el cual se considerará y determinará en una audiencia a celebrarse.

The inmate shall be permitted to call witnesses provided that so doing does not jeopardize institutional safety or correctional goals. ♦ Se le permitirá al recluso llamar testigos con tal de que al hacerlo no pondrá en peligro la seguridad de la institución o los objetivos del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or his/her designee prior to the hearing to make a statement on the need for continued prehearing confinement. ♦ Si está restringido pendiente a una audiencia por este informe de mal comportamiento, puede escribirle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaración acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

07/03/17
DCP008STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES PAGE 1
GRN HAVN GEN

VIOLATION HEARING DISPOSITION RENDERED

REVIEW OFFICER LT DELANY, E P
REVIEW DATE 07/02/17
TIER 1 DUE DATE 07/08/17

1) NAME CHIN, WAYNE DIN 09A6287 LOCATION 0E-22-26S

2) INCIDENT DATE & TIME 07/02/17 08:20 AM

3) INMATE 13 ENGLISH SPEAKING

A) IF NOT, WERE CHARGES TRANSLATED AND SERVED TO INMATE? _____
B) INTERPRETOR AT HEARING _____4) HEARING BEGIN DATE 7/4/17 TIME 10:53
END DATE 7/4/17 TIME 10:535) CHARGES: SPECIFY DETERMINATION FOR EACH OF THE CHARGES
CONSIDERED AT HEARING

CHARGE NUMBER	DESCRIPTION OF CHARGES	REPORTED BY CO BENAIM, J Y	DISPOSITION
104.13	CREATING A DISTURBANCE	-----	0
106.10	REFUSING DIRECT ORDER	-----	C

6) PENALTY IMPOSED:

7 days loss Rec
7/4/17 to 7/10/17

*THIS FORM SHALL NOT BE MADE PART OF THE INMATE'S INSTITUTIONAL RECORDS

HEARING OFFICER D. L. HallDATE 7/4/17INMATE SIGNATURE R. E. ChinDATE 7/4/17 TIME 10:53NOTICE TO INMATE: YOU MAY APPEAL THIS DETERMINATION BY WRITING TO THE
SUPERINTENDENT WITHIN 24 HOURS OF YOUR RECEIPT OF THIS DISPOSITION

SUCCESSFUL PRINT COMPLETION

Exhibit 5

FORM 3105A (7/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
AMBULATORY HEALTH RECORD PROGRESS NOTE

Name	DIN	Date of Birth	Facility Name
Chin Wayne	09A6287	8-31-57	880
Subjective: BSC I'm having a lot of pain in (L) elbow (R) hand BP- 138/90 P-82 R-82	Last Name Chin W DIN 09A6287 Date 5/19/17 Provider Orders:	Location E226 Time 11:45	
Objective: pain (L) elbow (R) hand and lower back & right (R) hand =			
Assessment: and lower back & right (R) hand =			
Plan: + swelling Lateral Rn (L) elbow is ecchymosis and swelling. lower back & obvious deformity redness or swelling. CLINIC provider			
Signature/Provider # Yell #561	RN Transcribing Order/Provider #/Date/Time Today for eval		
Subjective: C/o elbow pain	Last Name Chin DIN 09A6287 Date 5/19/17 Provider Orders:		
Objective: (L) some edema noted R (L) pain	Location _____ Time _____		
Assessment: pt needs x rays he was in a fight 5/19/17 as per his history			
Plan: also he complaining of LBP			
Signature/Provider #	RN Transcribing Order/Provider #/Date/Time		
Subjective: C/o pain to (L) back Seen by provider on 5/19/17. Xray to (L) elbow pending.	Last Name Chin, W DIN 09A62 Date 5/23/17 Provider Orders: Requesting to see provider.		
Objective: Ambulating without difficulty, & obvious deformity redness and swelling to lower back noted	Location E-226 Time 9:11 AM.		
Assessment: Ambulating without difficulty, & obvious deformity redness and swelling to lower back noted			
Plan: Appt to Provider	125/80, 16 82, 98% Signature/Provider # Chin W RN Transcribing Order/Provider #/Date/Time 5/23/17		

Continue entry into next box if necessary.

LEGAL MAIL

11014512

5.9.17

Article Description

Transcript: Chin - 09A6287

Exhibit No.

Date Found, Located or Developed

- File -

Where This Article Was Found

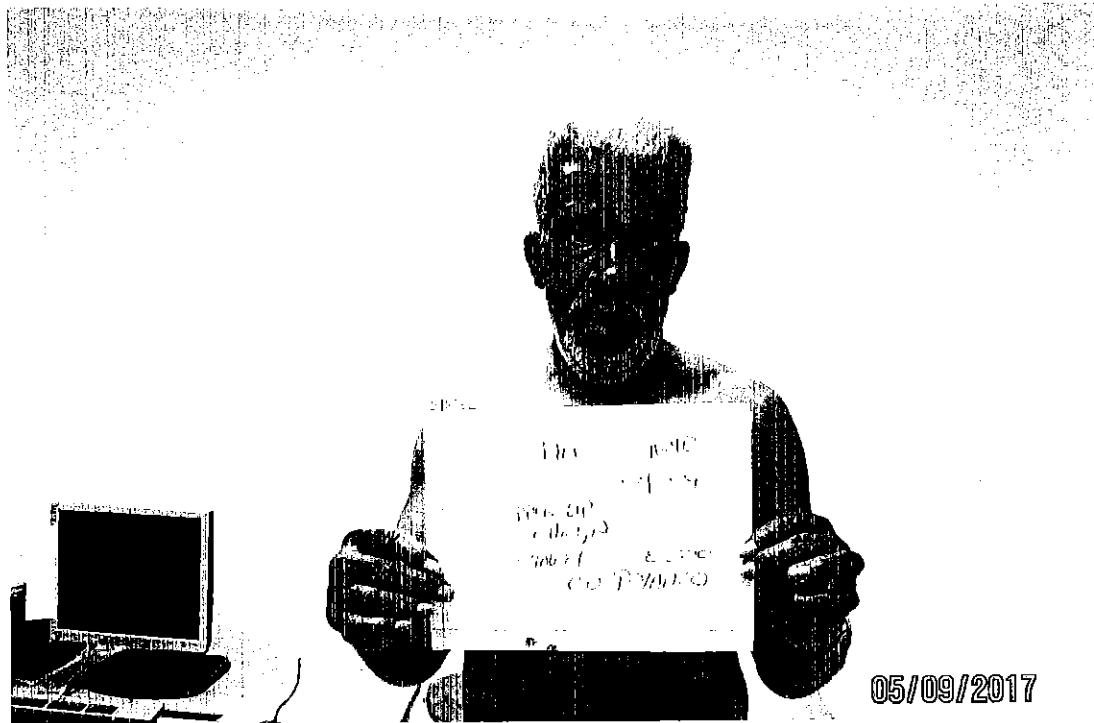
Investigating Officer

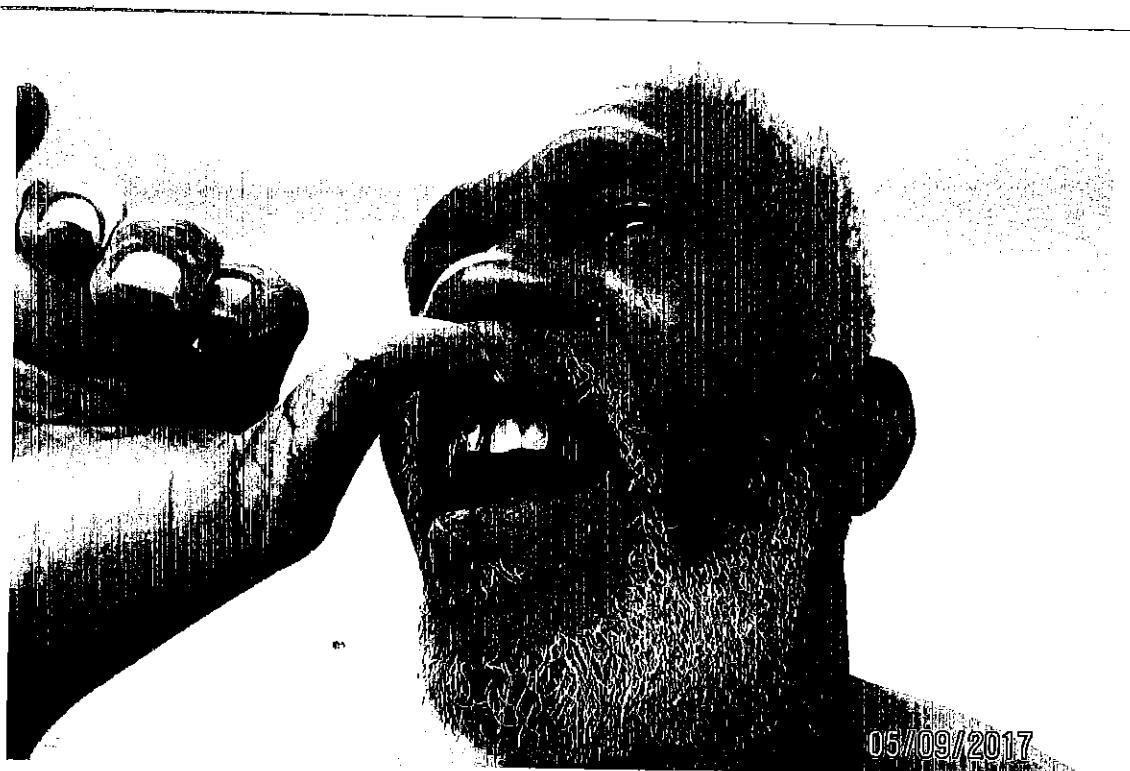
SIRCHIE FINGER PRINT LABORATORIES

CAT. NO. EE57

CRIME EVIDENCE

5/9/17 TIME 1640
BLOODY NOSE
UPPER LIP
CHIN
0905281 05/09/2017
00 P.M. 05/09/2017
05/09/2017







05/09/2017

Franklin
H. 09462871
Sag Lake Inc.
34 Fletcher Street
Bronx, New York 10562-5442

NEOPOST 05/05/2020 ~~TEST PAGE~~ \$000.000

ZIP 10562
041M11288353

卷之三

Mr. George W. Clark
of the County
United States District
Court of New York
South Bronx
300 Court Street
311½ White Plains Road
New York 10601-4150

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